

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

January 4, 2011

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:00 a.m. on January 4, 2011.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner

Ron Brown

Michael Christoffersen

Michael Corey

Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health

Kevin Goeden, representing the Commissioner, Department of Labor

David Hannum, Chairman

John Hawkins

Matt Mitchell

Commissioners not present at the Commission meeting:

Ted Ogle

- (b) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services

Gary Bippus, Administrative Law Judge

John Haines, Code Specialist

John Hibner, Code Specialist

Cecilia Ernstes-Boxell, Code Specialist

Denise Fitzpatrick, Code Specialist

Beth Sutor, Secretary

- (c) Deputy Attorney General James Schmidt was present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the December 7, 2010 meeting as distributed. A motion to approve the minutes was made by Commissioner Corey and seconded by Commissioner Mitchell. It was voted upon and carried.

3. Chairman Hannum bid farewell to retiring Commissioner Howard Cundiff. He noted that Commissioner Cundiff had been an employee of the State of Indiana for thirty years, and had also served as a member of the Commission for thirty years as well. He announced that a cake to celebrate Commissioner Cundiff's retirement would be served during break.

4. Variances.

Tabled Variances.

The proponent for variance 10-11-12(a)(b) Riley Jones House – 315 E. Charles Street, Muncie, had requested the application be tabled for thirty days. Commissioner Cundiff moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

New Variances.

Chairman Hannum asked for any variances which the Commissioners wished to have called out. Hearing none, Commissioner Brenner made the motion to approve the following variances with an "A" or "B" review rating by staff, with the second being made by Commissioner Corey. It was voted upon and carried. Variance 11-01-16 Rushville Commons Apartment, Rushville, had been withdrawn by the proponent.

The following variances were approved as submitted:

- | | | |
|------|----------------|--|
| (1) | 11-01-1 | Northlane Condominium, Bloomington |
| (2) | 11-01-3 | 1725 & 1727 N. Lincoln Condominiums, Bloomington |
| (3) | 11-01-5 | Lebanon Public Safety Building, Lebanon |
| (4) | 11-01-8 | Valley of the Springs Resort, French Lick |
| (5) | 11-01-10 | Crossview Church, Grabill |
| (6) | 11-01-12 | 2350 S. Henderson Windows, Bloomington |
| (7) | 11-01-13 | Capitol Avenue Development Parking Garage, Indianapolis |
| (8) | 11-01-17 | Wawasee High School Phase II Additions and Renovations, Syracuse |
| (9) | 11-01-22 | Indianapolis Zoo Orangutan Exhibit, Indianapolis |
| (10) | 11-01-23(a) | Stanley Bostitch, Greenfield |
| (11) | 11-01-29 | Lake Station Municipal Complex, Lake Station |
| (12) | 11-01-31 | Stork Place Apartments, Huntingburg |
| (13) | 11-01-33 | Iceway Convenience, Ft. Wayne |
| (14) | 11-01-35 | 2470 Brittany Lane Windows, Bloomington |
| (15) | 11-01-36 | Stella Ridge Condominiums, Bloomington |
| (16) | 11-01-37 | Detached Garage, Fishers |
| (17) | 11-01-39 | Indiana Convention Center, Indianapolis |
| (18) | 11-01-40(a)(b) | Carmel Regional Performing Arts Center, Carmel |
| (19) | 11-01-43(e)(g) | North of South, Indianapolis |

The following variances were heard separately:

- (20) 11-01-2 College Park Condominiums, Bloomington

It was noted by staff that the code of record had been established, and that the variance would have qualified for the block vote. Commissioner Christoffersen moved to approve, with the second by

Commissioner Brenner. It was voted upon and carried.

- (21) 11-01-4 Church of Jesus Christ of Latter Day Saints New Albany Stake Center, New Albany

Don Birdsall, Hogan Manufacturing Incorporated – Lift-U Division, spoke as proponent. A wheelchair lift to be installed in the sanctuary does not fully comply with current code. It does comply with ASME A18.1-2008. The request was to allow 36” high enclosure, sidewalls and door. After discussion, Commissioner Corey moved to approve. The second was made by Commissioner Christoffersen. It was voted upon and carried.

- (22) 11-01-6 508 N. Adams Street Windows, Bloomington

In their review, staff had noted that no variance was required since the code of record did not contain requirements for emergency escape and rescue windows. Commissioner Christoffersen moved that no variance was required. Commissioner Brenner made the second. It was voted upon and carried.

- (23) 11-01-7 Beckman Lawson Office, Ft. Wayne

Richard Wismer, architect, spoke as proponent. He noted that the existing toilet rooms on the second floor of the office building did not comply with ADA regulations, while the ground floor facilities were compliant. There was no change of occupancy, occupant load, or fixture count. Following discussion, Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried.

- (24) 11-01-9 Munster Indiana DaVita Dialysis Clinic, Munster
11-01-34 DaVita Ft. Wayne West Dialysis, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The Ft. Wayne Clinic is within a multi-tenant building, while the Munster Clinic is in a new space. The CDR has called them as an I-2 occupancy. The proponent, assisted by Jay Ross, DaVita, Inc, supported their argument that they should be a B-2 by citing NFPA 101, Section 422 of the 2009 International Building Code concerning ambulatory health care, and conversations held with code specialists at ICC. Scott Perez, Fire and Building Code Compliance Officer, discussed the background for his non-rule policy, and why it was written as it had been. A concern that many services now being offered in clinics and dental offices would result in the occupancy reclassification as I-2, per the non-rule policy, was discussed. Concerns that it raised more questions than it answered were voiced, and a need for further study was identified. Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Hawkins. It was voted upon and carried with two nay votes.

- (25) 11-01-11 Goshen Road Bulk, Ft. Wayne

No proponent was present for questions. Commissioner Cundiff moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (26) 11-01-14 Dearborn Baptist Renovated Mezzanine, Aurora

Jeff Lyness, Maxwell Construction, spoke as proponent. Also present was Darrell Sparks, Pastor. The request was to omit sprinklers in the sanctuary of the rural church. The mezzanine would raise the occupant load to 356 from its current 282, requiring sprinklers. There are five exits, two directly to the exterior, from the sanctuary, and two exits, one directly to the exterior, from the mezzanine. The cost to sprinkler was quoted at \$60,000. Budget for the entire project is \$70,000. Following discussion,

Commissioner Hawkins moved to approve with the condition that the occupant load be posted at 299. Commissioner Cundiff made the second. It was voted upon and carried with one nay vote.

(27) 11-01-15 Dayton Freight, Elkhart

John Oney, Architectural Alliance, spoke as proponent. The facility is an unheated, cross-dock structure with a conditioned office space. The request was to omit the doors and insulation required by the Energy Code. The doors of the dock area are open 90% of the time, closing for security purposes only. The office is separated by a fire wall, and the building is fully sprinklered. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried.

(28) 11-01-18(a)(b) The Canyon Club at Metropolis, Plainfield

Tim Callas, J & T Consulting, spoke as proponent. In variance (a), the request was to omit the vestibule as required by code, the actual contiguous interior space being 991.9 square feet. The building had been designed in compliance with the Indiana Energy Code, 1992 Edition, but a problem with financing had delayed construction. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) was to allow showers for guests just outside the clubhouse. Code requires interior showers for each sex. The pool was designed for occupants of the apartment complex, not the general public. The proponent stated residents would use their own showers, not clubhouse facilities. Following discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(29) 11-01-19 That Place, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. An existing bar/nightclub will be expanding into the next tenant space. The request is to permit the space to exceed allowable area without constructing a fire wall or sprinklering the remainder of the building. A two-hour fire barrier will be installed to separate the bar from their neighbors, and the A-2 occupancy will be sprinklered. There is a calculated occupancy load of 350. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(30) 11-01-20 Quemetco Inc. Shipping Dock Expansion, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. An existing, 105,500 square foot manufacturing facility will have a dock addition which is slightly more than 1% of the area of the existing building. The request is to omit the required fire wall separation. Due to front end loader traffic required to move the product, openings in the fire wall would exceed those allowed by code. Randy Gulley, Wayne Twp. Fire Department, advised the Commission that they had no problem with the variance. The facility, a battery reclamation plant, is within a containment trench with a waste water treatment plant on site to deal with run-off. Commissioner Mitchell moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 9:56 a.m. He then reconvened the meeting, calling it back to order at 10:23 a.m.

- (31) 11-01-21(a)(b)(c) St. Jude Elementary School, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. There were to be three additions to the existing school. Variance (a) was to permit the expanded employee lounge on the mezzanine above the office area to be served by only one exit instead of the two required by code. The exit stair would discharge directly to the exterior and comply with Sec. 1021.1, exception 5, of the 2009 International Building Code for a space for less than 50 people with a travel distance of under 100 feet. Variance (b) was to allow a vestibule of 70 square feet and mezzanine of 308 square feet to be added to the existing structure without separation required by code. The separation was not felt to be attainable due to the open connection to the existing building. Variance (c) was to allow the classroom addition of 2554 square feet to have a fire barrier instead of the required fire wall. The concrete frame and floor structure, with wood roof structure, was to match the existing building, and will be structurally independent. Following discussion, Commissioner Brenner moved to approve all three variances. Commissioner Hawkins made the second. It was voted upon and carried.

- (32) 11-01-23(b) Stanley Bostitch, Greenfield

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the south side of the building to not meet the 60' side yard or 4-hour fire wall requirement. The existing wall is 4-hour, but not structurally independent in the fully sprinklered building used to manufacture nails and staples. Following discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (33) 11-01-24 Noblesville High School Additions, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. Jerry Rolfson, Performance Services, was also present. The request was for temporary egress during construction. A pedestrian tunnel will be constructed for students during the school year. Construction is scheduled to begin during the summer, and to be completed by February of 2012. Following discussion, Commissioner Christoffersen moved to approve with the condition that the variance would be valid only until May 2012. Commissioner Cundiff made the second. It was voted upon and carried.

- (34) 11-01-25 Noblesville Intermediate School Addition, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. Jerry Rolfson, Performance Services, was also present. The request was for temporary egress during construction. The gymnasium will have the 4th exit closed without change of occupancy load. The construction time frame has been scheduled from the end of the current school year until February 2012. Commissioner Christoffersen moved to approve with the condition that the variance would be valid only until May 2012. Commissioner Cundiff made the second. It was voted upon and carried.

- (35) 11-01-26(a)(b) Noblesville North Elementary School Addition, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. Also present was Jerry Rolfson, Performance Services. The request was for temporary egress during construction. A pedestrian tunnel with metal scaffolding will be provided during construction. Construction was scheduled to begin in February, and completed by the beginning of the 2011/2012 school year. Following discussion, Commissioner Christoffersen moved to approve (a) with the condition the exit pathway be of compacted gravel. Commissioner Hawkins made the second. It was voted upon and carried. Variance(b) was to permit the school to be more than the code-compliant 400 feet from a fire hydrant. The addition would be 600 feet. The building is fully sprinklered. Following discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (36) 11-01-27 Hazel Dell Elementary School Additions, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. Also present was Jerry Rolfson, Performance Services. The request was for temporary exiting. Following the construction of a pedestrian tunnel through the construction area, a construction partition will close the exit marked with a 2 on the drawings and the last classroom in the hallway will be vacated. Construction will be staged through August 2011 to permit at least one of the exits in the area of the drawings marked with a 4 to remain open to the exterior. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (37) 11-01-28 Hinkle Creek Elementary School Addition, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. Also present was Jerry Rolfson, Performance Services. The request was for temporary exiting. They proposed to reverse the door swing of the small gym to the corridor to allow a path of travel through the side of the gym during construction. The Tri-County Education Center building will not be used during construction. Occupancy will resume following completion of the project. Commissioner Christoffersen moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried.

- (38) 11-01-30 Otterbein United Methodist Church, Otterbein

Jerry Rooze and Tom Ladd, members of the church, appeared as proponents. The elevator mechanical room is a separate 5'x8' room containing the controller. The request was to remove the sprinkler head in the elevator mechanical room instead of installing a shunt trip, since it cost more than the elevator. Discussion was held concerning the rating of the mechanical room walls and the proponents other options. Commissioner Christoffersen then moved to deny, with the second by Commissioner Cundiff. It was voted upon and carried.

- (39) 11-01-32 The Family Center, Bloomington

The proponent requested the application be tabled for thirty days. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (40) 11-01-38(a)(b) Centerstone Supportive Housing Community, Richmond

Application (a) was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Brown. It was voted upon and carried. It was noted that (b) had been included in the block vote and, as an incomplete application, was not eligible. Commissioner Brown moved to rescind the approval of (b) and table. Commissioner Cundiff made the second. It was voted upon and carried.

- (41) 11-01-41 Nestles ASRS, Anderson

Christina Collester, RTM Consultants, spoke as proponent. She requested the application be tabled. Commissioner Christoffersen moved to table it, with the second by Commissioner Cundiff. It was voted upon and carried.

- (42) 11-01-42 Nestle Project Heavyweight (Cold Dock), Anderson

Christina Collester, RTM Consultants, spoke as proponent. The request was to omit the smoke and heat vents in the refrigerated loading dock addition. Curtain boards were also to be omitted. This is a protected environment with health restrictions, and roof smoke vents in the ceiling are not desirable. The local fire department has been involved in the project. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (43) 11-01-43(a)(b)(c)(d)(e)(f)(g)(h) North of South, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Four five-story wood frame buildings have a steel frame construction first floor with a three hour concrete floor separation. The request in variance (a) was to allow the mezzanines, exiting into the units' bedroom, to exceed the allowable area. Following discussion, the proponent offered to table the application in order to provide the Commissioners with more detailed drawings and sections. Commissioner Hawkins moved to table, with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was to allow the use of an NFPA 13R sprinkler system in buildings #6 and #7. Scott Travis, Buckingham Companies, explained that the cost of a 13 system is four times the cost of a 13R system. Following discussion, Commissioner Christoffersen moved to table, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (c) was withdrawn by the proponent. Variance (d) was to allow the use of a machine-roomless elevator with noncompliant ropes. The units will comply with the 2007 ANSI/ASME A17.1 code. Commissioner Corey moved to approve with the condition that the applications are signed by the landowner. Commissioner Christoffersen made the second. It was voted upon and carried. It was noted that Variance (e), a request to omit emergency stand-by power for the accessible elevators, and Variance (g), a request to omit emergency showers, eyewash stations, service sinks, drinking fountains, lavatories, water closets and urinals per Table 29, had been included in the block vote. To amend the block vote, Commissioner Christoffersen moved to approve both (e) and (g) contingent upon the signature of the owner of the land signing the application. Commissioner Hawkins made the second. It was voted upon and carried. Variance (f) was a request to allow all units to be Type B accessibility units, and not provide the seven Type A accessibility-ready units required by code. The project will comply with Fair Housing Act requirements. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Goeden. It was voted upon and failed to carry. Commissioner Cundiff moved to table to allow time for the proponent to research changes. The second was made by Commissioner Corey. It was voted upon and carried. Variance (h) was a request to use PVC piping for roof drains. Commissioner Cundiff moved to approve contingent upon the signature of the land owner. Commissioner Brenner made the second. It was voted upon and carried.

- (44) 11-01-44 121 N. Glenwood Ave. West Windows, Bloomington

The proponent was unable to attend. The windows had been replaced prior to the purchase by the current owner. The building had been constructed in 1963, prior to the 1 & 2 Family Residential Code. The current 1 & 2 Family states replacement windows can be put in if they are like-for-like. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Meadows Service
Administrative Cause #10-19
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Commissioner Corey moved to affirm the Nonfinal Order. Commissioner Brown made the second. It was voted upon and carried.

Discussion and Commission Action on Petitions for Review (All are timely filed unless otherwise noted.)

Healthnet East
Condition of CDR

Walter and Michele Foltz
Denial of Application for project #348572

Commissioner Brown moved to approve the petitions for review. Commissioner Cundiff made the second. It was voted upon and carried.

DaVita Fort Wayne Dialysis
Occupancy Classification per CDR

The appeal was withdrawn by the proponent.

7. Discussion and possible adoption of LSA Doc. #09-789 (proposed Swimming Pool Code)

A technical problem had arisen which prevented the vote on the adoption of the proposed code from being held. A memo dated November 20, 2010, from John Hibner, Code Specialist, concerning comments received on the proposed code had been distributed and was briefly discussed. Staff agreed that some of the comments warrant changes, and had listed them for the Commissioners.

8. Discussion and possible adoption of LSA Doc. #09-871 (proposed Elevator Code)

The approval letter from the State Budget Agency had been received, and the proposed code was now eligible for adoption. Commissioner Corey moved to adopt LSA Doc. #09-871 as published in the Indiana Register on February 10, 2010 as DIN: 20100210-IR-675090871PRA, as amended by the proposed changes contained in the letter from Bart Geisler to the Commission. Commissioner Mitchell made the second. It was voted upon and carried.

9 Discussion of Proposed Residential Code

Commissioner Christoffersen gave an update on the status of the proposed Residential Code. They had received the results of the State Budget Agency's evaluation of the Fiscal Impact study done for the proposed code. The SBA had determined that the code, as proposed, would be too costly. It was determined that they needed to pass new energy conservation amendments, and the group is checking to see if the Chapter 11 Energy Conservation would work for the 2005 Residential Code. If so, it will continue through the adoption process.

10. Comments

Mara Snyder, Director of Legal and Code Services, thanked the members of the Commission for their attendance at the first meeting of 2011.

11. Introduction of John Hite

Chairman Hannum introduced the newest Commission member. Mr. Todd Hite, designated by the Commissioner of the Department of Health, to take over the position for retiring Howard Cundiff. He is a graduate of Purdue University with an engineering background, specializing in hospital and healthcare design. His duties will begin with the February meeting.

12. **Adjournment.**

Chairman Hannum adjourned the meeting at 12:10 p.m.

APPROVED _____
David Hannum, Chairman